

**SOAH DOCKET NO. 582-24-05780
TCEQ DOCKET NO. 2023-0862-MWD**

APPLICATION BY	§	BEFORE THE STATE OFFICE
TIMOTHY E. CARTER AND GILDEN B.	§	
BLACKBURN	§	OF
FOR TPDES PERMIT	§	
NO. WQ0016124001	§	ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR’S REPLY TO PROTESTANTS EXCEPTIONS TO THE
ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION**

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) maintains her position that the draft permit meets the applicable statutory and regulatory requirements.¹ Protestants FM 1189, LLC, Bartlett Ranch Brock LLC, Series A 1189 Storage LLC, and Series A EGHB Investments LLC continue to reargue issues that were thoroughly vetted during the hearing.

The Executive Director supports the Administrative Law Judge’s (ALJ’s) conclusions that the Applicant has met its burden of proof on all five agreed issues, and the draft permit be issued without changes.² Therefore, the Executive Director respectfully requests that the Commission adopt the ALJ’s proposed order with the Executive Director’s recommended changes presented in her Exceptions to the PFD and issue the proposed permit.

¹ 582-24-05780 Second Supplemental Administrative Record, Tab F, at bates stamp 003.

² 582-24-05780 PFD at 2.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,

Executive Director

Phillip Ledbetter, Director

Office of Legal Services

Charmaine Backens, Deputy Director

Environmental Law Division

A handwritten signature in cursive script that reads "Aubrey Pawelka".

Aubrey Pawelka, Staff Attorney

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REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following by U.S. Regular Mail, Certified Mail (return receipt requested), electronic mail, hand delivery and/or facsimile at the addresses listed below on this 9th day of April 2025.



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